

INTRADEPARTMENTAL CORRESPONDENCE

March 5, 2020
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: IN CUSTODY DEATH, FID NO. 012-19

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Honorable Members:

The following is my review, analysis, and findings for In Custody Death (ICD), Force Investigation Division (FID) No. 012-19. A Use of Force Review Board (UOFRB) was convened on this matter on February 10, 2020. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On April 8, 2019, at 0410 hours, Officers D. Richmond², Serial No. 41875, and J. Hunt³, Serial No. 42370, Van Nuys Patrol Division, were dressed in full police uniform, driving a marked black-and-white police vehicle. The officers were responding to an unrelated radio call, traveling northbound Woodman Avenue. Upon reaching the intersection of Woodman Avenue and Sherman Way, Officers Richmond and Hunt negotiated a right, eastbound turn onto Sherman Way where they observed a male wearing a red shirt and black pants, later identified as J. Cedillo⁴. Cedillo was seated on the apron of the driveway on the northeast corner of the 76 Gas Station business.

According to Officer Richmond, he had been regular partners with Officer Hunt for approximately *six to eight months*. The two discussed tactics *daily throughout* their shifts and assigned *contact and cover* roles at the start of every shift. On the day of the incident, Officer Richmond was the passenger, *cover officer*. Officer Richmond first observed Cedillo on the *driveway apron* of the 76 Gas Station as he and Officer Hunt were in the process of making their eastbound turn onto Sherman Way from Woodman Avenue. Cedillo was *oscillating his body from laying down to sitting up with his hands extended in the air and screaming*. Officer Richmond initially thought Cedillo was screaming at him and Officer Hunt to get their attention. Officer Richmond opined that Cedillo *needed police help, was trying to flag them down, or kill*

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² Officer Richmond was 30 years of age, 6 feet, 4 inches tall, weighing approximately 250 pounds.

³ Officer Hunt was 24 years of age, 6 feet, 3 inches tall, weighing approximately 210 pounds.

⁴ J. Cedillo, was 50 years of age, 5 feet, 5 inches tall, weighing approximately 146 pounds.

himself. Officer Richmond continued to observe Cedillo as they negotiated their turn. Before Officers Richmond and Hunt could initiate contact with Cedillo, Officer Richmond observed a truck either enter or exit the 76 Gas Station driveway where Cedillo was seated. Officer Richmond believed the truck *appeared to either run Cedillo over or come very close to running him over*⁵. Based on this observation, he and Officer Hunt *determined that they needed* check on Cedillo's welfare.

According to Officer Hunt, he had been working with Officer Richmond for approximately *ten months* and the two discussed *tactics every day* at the *start of* their shift and also while enroute to radio calls. As Officer Hunt was driving northbound on Woodman Avenue approaching Sherman Way, he observed Cedillo laying on the apron of the driveway of the 76 Gas Station. As Officer Hunt was making his right, eastbound turn onto Sherman Way, he continued to observe Cedillo. Officer Hunt observed a *white truck almost run Cedillo over*. He and Officer Richmond communicated their observations to each other and determined that they should stop to see if Cedillo was *all right*. Officer Hunt conducted a U-turn and pulled to the north curb of Sherman Way, just east of the driveway where Cedillo was laying. Officer Richmond broadcast that they were *Code-Six on a 415 man (Additional Tactical Debrief Topics – Additional Unit Request and Additional – Digital in Car Video Activation)*.

According to Officer Richmond, as he and Officer Hunt exited their police vehicle to approach Cedillo, Cedillo assumed the *handcuffing position by placing his hands behind his head and then immediately behind his back* without being given *any commands*. Officer Richmond alerted Officer Hunt that he believed Cedillo had *prior law enforcement contact* or was a *danger to himself* by his actions. As Officers Richmond and Hunt approached Cedillo *to place the handcuffs on him*, Cedillo was *still screaming, rambling incoherent speech, licking his lips, and had very rigid, jerky movements*. Cedillo's actions alerted Officers Richmond and Hunt *to the fact that Cedillo was possibly under the influence of an unknown narcotic*. Officers took advantage of the *opportunity to deescalate the situation and to gain greater control over Cedillo* by placing him in handcuffs while Cedillo was still seated on the ground and did so without incident.

According to Officer Hunt, as he and Officer Richmond exited the police vehicle, Cedillo *put both his hands-on top of his head, then behind his back*, which made Officer Hunt believe Cedillo *had possibly been arrested before*. While approaching Cedillo, Officer Hunt observed that Cedillo was *rapidly moving his head side to side, and breathing heavily*. Officer Hunt continued to approach Cedillo to place handcuffs on him as Cedillo sat on the driveway. After Cedillo was handcuffed, he continued to exhibiting objective symptoms of narcotic use such as *grinding his teeth, rapid eye movement, heavy breathing, incoherent speech, and muscle rigidity*. Officer Hunt opined that Cedillo was *under the influence* of narcotics.⁶

⁵ Based on the officer's statements it was unclear if a collision occurred. The FID investigation revealed that the vehicle exiting the 76 Gas Station did not collide with Cedillo.

⁶ Officer Hunt had previously attended the Impaired Driver Awareness Program (IDAP) and had previous experience with suspects under the influence of narcotics.

The FID investigation revealed that Officers Richmond and Hunt approached Cedillo and handcuffed Cedillo with his hands behind his back without incident.

According to Officer Richmond, after Cedillo was handcuffed, Officer Richmond inquired about Cedillo's well-being. Officer Richmond asked Cedillo, "What's going on? Are you okay? What's up? Do you need our help?" Officer Richmond *wanted to make sure Cedillo was ok*. Officer Richmond could not understand Cedillo's response to his questions and continued to ask questions of Cedillo. Officer Richmond asked Cedillo if he was *on parole or probation* to which Cedillo responded that he had "Court on the 20," which he repeated. Cedillo rambled throughout the contact with Officer Richmond and did not provide a coherent response to any questions that were asked. Officer Richmond believed that Cedillo *was probably under the influence of methamphetamine* which resulted of the limited dialogue. While he was attempting to gain information from Cedillo who was sitting on the driveway, Officer Richmond observed *multiple bulges in Cedillo's pockets*. Officer Richmond believed that Cedillo *could possibly have needles or weapons on him due to the bulges*. Officer Richmond did not want Cedillo *to have any weapons that could hurt himself or Officer Hunt* and wanted to conduct a cursory pat down search. Officer Richmond advised Cedillo that he was *going to pat him down* to which Cedillo responded by *immediately pulling away*. Officer Hunt then attempted to *pat down Cedillo on his other side* and Cedillo *pulled away again*.

According to Officer Hunt, the officers *decided to take Cedillo to the front of their police vehicle*. Cedillo *willingly stood up and walked to their police vehicle*. While standing at the police vehicle, Cedillo was *jittery and jerking around*, and did not *appear calm*. Officer Hunt communicated to Cedillo *to calm down*, and repeatedly asked, "What's wrong? What are you doing here? Are you all right?" Officer Hunt was *unable to get a clear answer from Cedillo*.

First Application of Non-Lethal Force

According to Officer Richmond, after Cedillo was moved from the driveway to the front of their police vehicle Officer Richmond tried again to conduct a pat down of Cedillo and obtain his personal information. Cedillo *became more erratic and began moving around quite a bit*. Officer Richmond *advised Cedillo again that he needed to check his pockets for any weapons*, and Cedillo *pulled away, from the direction where Officer Richmond's hand was*. Officer Richmond placed a wrist lock on Cedillo's left wrist in order to gain control over Cedillo. Officer Richmond then advised Cedillo again that he was going to conduct a pat down search and *went to reach, to pat him down*. Cedillo *again pulled away and began kicking back at officers and trying to spin to run away*. Officer Richmond used physical force and pressed Cedillo against the police vehicle *using it as a controlling agent*. Cedillo began *kicking* and was

attempting to *run away*, as well as *trying to spin*. Officer Richmond *used his (Cedillo's) momentum* to take Cedillo *to the ground*. While in the process of taking Cedillo to the ground Officer Richmond *observed the edge of the curb and didn't want Cedillo, who was handcuffed and unable to stop himself, hit the edge of the curb so Richmond spun a little farther away from the edge of the curb in order to take him down on a flat surface*. As Officer Richmond and Cedillo landed on the ground, Officer Richmond *landed on Cedillo's back*. Cedillo began to

writhe and kick while Officer Richmond maintained a wrist lock. Officer Richmond placed his chest on Cedillo's back in order to gain greater control of him, but Cedillo was still trying to kick. Officer Hunt then wrapped Cedillo's legs to further control Cedillo. Officer Richmond was not able to do anything other than maintain his position on the ground and request a backup. Officer Richmond utilized his handheld police radio to request a backup and awaited the backup unit's arrival. While waiting for backup units to arrive, Cedillo continued attempting to roll out of both officers' grasp. To overcome Cedillo's resistance and prevent his escape, Officer Richmond maintained his wristlock on Cedillo's left wrist and applied bodyweight with his chest against Cedillo's back (Non-Lethal Use of Force and Debriefing Point No. 3).

According to Officer Hunt, Officer Richmond attempted to search Cedillo for weapons as they were standing in front of the police vehicle. As Richmond patted down Cedillo's left pocket, *he made a sudden jerk to the side like pushing himself away from Richmond as if he didn't want to be pat down.* During the attempted pat down, Officer Hunt held Cedillo's right bicep with his right hand and Cedillo's left forearm with his left hand. Cedillo then *tried pushing his weight back toward us away from the car, and we both pushed him forward onto the hood of the car.* Officer Hunt used physical force to push Cedillo against the hood of the police vehicle. Officer Hunt then utilized his handheld police radio to request for an additional unit to respond (**Non-Lethal Use of Force**).

Cedillo *started to kick his legs back* at Officer Richmond and tried to *run away*. Officer Hunt released his firm grip on Cedillo's arm as Officer Richmond took Cedillo to the ground. Officer Richmond and Cedillo *landed near the driveway of the gutter right where the driveway ended.* Officer Hunt *wrapped both of his arms around Cedillo's legs, and then used body weight as he placed his chest on top of the back of Cedillo's legs to overcome Cedillo's resistance.* While attempting to control Cedillo, Officer Hunt *continued verbalizing with him, advising Cedillo to, "Calm down, stop resisting."* *In spite of being handcuffed and Officers Hunt and Richmond holding down on Cedillo, he was still pushing both of us up off the ground.* Officer Hunt applied bodyweight with his chest to overcome Cedillo's resistance. Officer Hunt raised Cedillo's legs while Officer Menasakanian applied the HRD around his ankles. After Officer Menasakanian applied the HRD, Officer Hunt *changed his position on Cedillo. Officer Hunt put his knees on the back of Cedillo's legs, his right hand on Cedillo's ankles and his left hand on Cedillo's thighs.* Hunt believed that he *had better control of Cedillo's legs as he was still trying to push up.* Officer Hunt weighs over 200 pounds and Cedillo, who is a smaller individual, *was still able to basically lift Officer Hunt up as he attempted to control Cedillo.* Officer Hunt used firm grips and body weight on Cedillo's legs (**Non-Lethal Use of Force and Debriefing Point No. 3**).

According to Officer T. Menasakanian, Serial No. 42856, Van Nuys Patrol Division, he and his partner, B. Cuba, Serial No. 42835, Van Nuys Patrol Division, responded to the backup request of Officer Richmond. Upon arrival Officer Menasakanian exited his police vehicle and approached Officers Richmond and Hunt who were holding Cedillo on the ground. Officer Hunt directed Officer Menasakanian to apply a Hobble Restraint Device (HRD) to Cedillo's ankles. Prior to placing the HRD on Cedillo, Officer Menasakanian observed that Cedillo's ankles were *just slightly above the ground or like a 90-degree angle.* Officer Menasakanian applied the HRD

onto Cedillo and then *placed his foot on the hobble strap* to prevent Cedillo from *kicking or moving his legs*. Officer Menasakanian applied the HRD without the utilization of force.

According to Officer Richmond, after the HRD was applied, Cedillo continued to *actively* resist the officers' efforts to control him. While Officers Richmond and Hunt maintained their application of their bodyweight onto Cedillo to control him, Cedillo was *moving* both Officers Richmond and Hunt in an upward manner as he attempted to lift his body despite their collective efforts to control him. The officers *were unable to roll him* into a *different position* due to his level of physical resistance.

According to Officer W. Sampson, Serial No. 43662, Van Nuys Patrol Division, he and his partner, Officer S. Nunez, Serial No. 3538, Van Nuys Patrol Division, responded to the backup request of Officer Richmond. Upon arrival Officer Sampson exited his police vehicle and approached Officer Richmond. Officer Richmond advised Officer Sampson that Cedillo *needed to be searched*, and that *every time* Officer Richmond had attempted to search Cedillo, Cedillo would *pull away*. At the request of Officer Richmond, Officer Sampson started his search of Cedillo. Cedillo then began *reaching with his right hand for his waistband or his pockets*. Officer Richmond communicated Cedillo's actions to Officer Sampson and communicated with Cedillo, *telling him to, stop resisting, stop that, stop moving, comply*. Officer Sampson *removed various items from Cedillo's pockets*.⁷

During the time that Officer Sampson was conducting a pat down search of Cedillo, Sergeant J. Briscoe, Serial No. 39133, Van Nuys Patrol Division, arrived and assumed the role of the Incident Commander (IC).

According to Sergeant Briscoe, upon his arrival he *observed* Officers Richmond and Hunt utilizing bodyweight on Cedillo. Sergeant Briscoe could also hear and see that Cedillo was *grunting, yelling, and thrashing his body*. The officers' bodyweight was effective in controlling Cedillo's actions and Sergeant Briscoe directed the other officers at scene to not become *involved* in the non-lethal use of force. Sergeant Briscoe then *observed* that Cedillo had an HRD applied to his ankles. Sergeant Briscoe asked Officer Richmond to brief him on the situation.

According to Officer Richmond, *as soon as* Cedillo *stopped resisting, stopping moving* the officers, *and stopped actively kicking at the officers*, Officers Richmond and Hunt *rolled* Cedillo *onto his side into a recovery position*. Officer Richmond then *immediately verified that* Cedillo was breathing. Cedillo was placed into a right recumbent lateral recovery position. While Officer Richmond conducted an assessment of Cedillo, he observed a laceration on Cedillo's forehead (**Debriefing Point No. 2**).

The investigation revealed that during the First Application of Non-Lethal Force, after the HRD was applied, Officers Richmond and Hunt applied bodyweight for approximately one minute, 37

⁷ A review of Officer Sampson's BWV by FID investigators identified that the items removed from Cedillo's pockets by Officer Sampson were paper currency and coins, a cell phone with an external antenna, a four to five inch long unknown cylindrical metal object, and black paper-like material.

seconds before Cedillo was moved onto his right lateral recumbent position (**Debriefing Point No. 1 and No. 2**).

According to Sergeant Briscoe, he opined that Cedillo was *under the influence of a controlled substance*, possibly PCP (Phencyclidine). Due to this observation, Sergeant Briscoe determined that it was *tactically appropriate to leave Cedillo on his right side to prevent him from becoming more agitated or possibly violent again*. While Cedillo laid in the right recumbent lateral position, Officer Richmond maintained control of Cedillo's *left arm*. Officer Richmond crouched *down* and assessed Cedillo's *condition* while he monitored Cedillo. Sergeant Briscoe walked *around* Cedillo and *observed* an abrasion to Cedillo's forehead. Sergeant Briscoe then directed Officer S. Nunez, Serial No. 35381, Van Nuys Patrol Division, to request for a Rescue Ambulance (RA) to respond (**Debriefing Point No. 2**).

Sergeant T. Andreas, Serial No. 36074, Van Nuys Patrol Division, arrived in response to the broadcast for the backup and met with Sergeant Briscoe. Sergeant Andreas canvassed the area and looked for *evidence to assist with the non-categorical use of force investigation*.⁸

According to Sergeant Briscoe, the situation had become *stagnant*. Sergeant Briscoe took the opportunity to discuss *administrative actions* with Sergeant Andreas and *develop a plan* (**Additional – Body Worn Video Activation**).

Firefighters B. Tell, Serial No. 36130, and J. Hall, Serial No. 375518, Los Angeles Fire Department (LAFD), Basic Life Support (BLS) RA 88 responded and contacted Cedillo.

Second Application of Non-Lethal Force

According to Officer Richmond, when the RA arrived, Cedillo *awoke* and *immediately started kicking*. Officer Richmond *rolled* Cedillo onto his *stomach* and applied bodyweight to Cedillo's *back with his knees* and *again verbalized for Cedillo to stop resisting*. Cedillo continued to *rock, moving* both Officers Richmond and Hunt into the *air*. Officer Richmond believed that bodyweight *was the best way* control Cedillo without having to resort to higher level of force, such as a *TASER, strikes or kicks*. When Cedillo stopped physically resisting Officers Richmond and Hunt, and with the assistance of the LAFD personnel, Officers Richmond and Hunt placed Cedillo onto the gurney (**Non-Lethal Use of Force**).

According to Officer Hunt, while they waited for the RA to respond to the location, Cedillo was on his right lateral side and *remained calm*. Officers could observe that Cedillo *was still breathing as he was laying there*. Upon the arrival of LAFD personnel, Firefighter Tell spoke with Cedillo who woke up and appeared *agitated and started jerking around*. Officers Hunt and Richmond placed Cedillo onto his stomach to control him. Officer Hunt applied bodyweight utilizing his *knees* onto the *back of Cedillo's legs* (**Non-Lethal Use of Force**).

⁸ Captain O. Chandler, Serial No. 26288, Commanding Officer, Van Nuys Area, conducted an analysis of Sergeant Andreas' canvassing. Captain Chandler determined that Sergeant Andreas' canvassing actions were related to the First Application of Non-Lethal Force which Sergeant Andreas was not a witness to.

According to Firefighter Tell, after he was briefed by officers, he conducted an assessment of Cedillo. Firefighter Tell observed a laceration on Cedillo's forehead that he assessed as a minor abrasion. Firefighter Tell then attempted to ask Cedillo questions to which Cedillo *became agitated and started fighting with the officers. Cedillo didn't want to be restrained.* Officers Richmond and Hunt then *rolled Cedillo and secured him because Cedillo was attempting to get out of the restraints.* The officers placed Cedillo into a *prone position again face down and were securing the patient.* During that timeframe, Firefighter Tell *immediately called for a paramedic ambulance.* In anticipation of the paramedic ambulance arrival, Firefighter Tell coordinated with officers to place Cedillo onto a gurney. Once Cedillo was placed on the gurney, *it appeared that Cedillo's respiratory rate had decreased.* Cedillo was then placed into the RA where it was determined that Cardiopulmonary Resuscitation (CPR) was needed and therefore was administered.

According to Sergeant Briscoe, Cedillo had become *unpredictably violent.* When LAFD personnel attempted to obtain information from Cedillo, he *thrashed his body and kicked his feet.* Officers Richmond and Hunt rolled Cedillo onto his stomach and applied bodyweight. Cedillo continued to *resist the officers.* Commands to *stop his actions* were given to Cedillo in both *English and in Spanish.* Sergeant Briscoe directed LAFD personnel to place the gurney next to Cedillo to better facilitate Cedillo's transition onto it. Sergeant Briscoe directed Officer Richmond to redeploy to the opposite side of Cedillo in preparation of placing Cedillo onto the gurney. Sergeant Briscoe *determined that Officers Richmond and Hunt's continued application of body weight was the most appropriate course of action to prevent Cedillo from injuring himself or the officers.* Cedillo was placed onto the gurney and Sergeant Briscoe directed Officer Richmond to check the status of Cedillo's breathing. Officer Richmond advised Sergeant Briscoe that Cedillo was breathing. Cedillo was then placed into the RA and Sergeant Briscoe observed LAFD personnel performing *lifesaving actions consistent with CPR.*

The FID investigation revealed that during the Second Application of Non-lethal Force, Officers Richmond and Hunt applied body weight to Cedillo's upper body for approximately two minutes and 46 seconds. During that time, LAFD personnel were able to monitor Cedillo during the application of force. Cedillo's voice can be heard on BWV up to when Sergeant Briscoe advised LAFD personnel to reposition the gurney. Once Cedillo was placed into the RA, LAFD personnel were unable to detect Cedillo's heart rate, determined that he was not breathing, and then immediately began administering CPR (**Debriefing Point No. 1**).

According to the FID investigation, Sergeant Briscoe observed LAFD personnel perform CPR, which caused him to believe the incident may become a Categorical Use of Force incident. Sergeants Briscoe and Andreas initiated post-categorical use of force protocols. Sergeant Briscoe ensured that a crime scene was established and that the involved and witnessing officers were separated and monitored.

Los Angeles Fire Department personnel transported Cedillo to Valley Presbyterian Hospital where he received medical treatment from Doctor Hussain. Doctor Hussain advised that Cedillo was admitted due to cardiac arrest caused by methamphetamine intoxication.

Doctor Hussain also added that the officers' interaction with Cedillo at scene was not a factor in his decision to hospitalize him. Cedillo was later admitted into the hospital for non-force related injuries and the incident was then initially investigated as a non-categorical use of force.

Cedillo was pronounced deceased on April 13, 2019 and FID assumed responsibility for the investigation. Deputy Medical Examiner Doctor Martina Kennedy, Los Angeles County Department of Coroner, conducted a post-mortem examination of Cedillo's remains. Doctor Kennedy ascribed the cause of death to anoxic encephalopathy⁹ due to cardiopulmonary arrest due to effects of methamphetamine. Doctor Kennedy identified healing traumatic injuries to Cedillo's face, knees, posterior torso, wrists, and legs. Her examination revealed no fatal traumatic injuries. In her opinion, Doctor Kennedy did acknowledge a "temporal relationship"¹⁰ between the cardiopulmonary arrest and the prone physical restraint and indicated, "A component of asphyxia due to possible compression of the body may be contributory to the cardiopulmonary arrest; however, there are no findings at autopsy that establish asphyxia. Determination of the amount of force used and the physical effects of the restraint cannot be established at autopsy." The manner of death listed by Doctor Kennedy was undetermined.¹¹

FINDINGS

Tactics – Tactical Debrief, Sergeants Briscoe and Andreas, along with Officers Richmond, Hunt, Menasakanian, and Sampson.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Richmond and Hunt.

ANALYSIS¹²

Detention

Officers Richmond and Hunt were driving their police vehicle and making a turn while responding to an unrelated radio call when they observed Cedillo sitting in the driveway of a gas station. Both officers observed Cedillo oscillating his body from lying to sitting. The officers were unsure if Cedillo was possibly attempting to harm himself or flag them down. As officers were assessing the situation, they observed a vehicle possibly collide with Cedillo as he sat in the driveway. Preservation of life remains one of the guiding principles of the Department and in all situations so officers stopped to check on Cedillo's welfare. As the officers exited their police vehicle they determined that Cedillo was not hit by the vehicle; however, he displayed symptoms

⁹ Anoxic encephalopathy is a condition where brain tissue is deprived of oxygen and there is a global loss of brain function.

¹⁰ Temporal Relationship - is the timing between a factor and an outcome which can be used to assign causality to a relationship.

¹¹ Post mortem toxicology studies were not performed by the Coroner's Office due to Cedillo's hospitalization of more than 24 hours and the absence of preserved specimens from the hospital. Doctor Kennedy referenced the urine toxicology screen that was performed during Cedillo's hospitalization that was positive for methamphetamine and marijuana.

¹² The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

of possible narcotic usage by his actions and movements. Without any commands from either Officer Richmond or Hunt, Cedillo placed his hands behind his back. Officers Richmond and Hunt were unsure if Cedillo was under the influence of narcotics or possibly a danger to himself. Cedillo was handcuffed and detained to allow the officers to further investigate the circumstances. During the incident, Cedillo began to physically resist the officers, attempting to pull away. Officers Richmond and Hunt used non-lethal physical force techniques to physically control Cedillo, initially resulting in a non-categorical use of force. The officers' actions were appropriate and within Department policies and procedures.

TACTICS

Department policy relative to Tactical Debriefs is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance"* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- ***Planning***
- ***Assessment***
- ***Time***
- ***Redeployment and/or Containment***
- ***Other Resources***
- ***Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)***

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Richmond and Hunt had been regular partners for approximately ten months. The officers discussed tactics *daily throughout* their shift and while enroute to radio calls. The officers routinely assigned *contact and cover* roles at the start of their shift. On the

day of the incident, the officers coordinated and pre-designated their roles as Officer Richmond was assigned as the cover officer, while Officer Hunt was the contact officer. Officers Richmond and Hunt encountered Cedillo as they were en route to another call and due their observations, opined that Cedillo was in need of some type of assistance that could not be disregarded. The officers had not planned for this specific encounter but were faced with a rapidly developing situation that they believed based on their training and experience needed immediate police attention. Officers Richmond and Hunt understood their obligation to stop, approach Cedillo and to ensure he was safe. Officers determined that Cedillo was not injured, but became aware that he was possibly under the influence of narcotics. As the officer's approached Cedillo, they coordinated a plan to detain him. During the incident, Sergeant Briscoe coordinated with the officers and with LAFD personnel to control Cedillo and to get him placed onto the gurney.

Assessment – Officer Richmond and Hunt were faced with an uncertain encounter with Cedillo. The officers initially observed Cedillo's behavior and determined that Cedillo was either in need some type of assistance or was attempting to harm himself. Before the officers could take any action to provide assistance to Cedillo, they witnessed a vehicle exit the gas station and believed that Cedillo may have been struck as he sat in the driveway. Officers Richmond and Hunt assessed the need to provide immediate assistance and made contact with Cedillo. Once the officers contacted Cedillo, their assessment of his condition, based on their training and experience, was that Cedillo was possibly under the influence of narcotics. Cedillo was initially detained without incident.

As Officers Richmond and Hunt attempted to provide assistance to Cedillo, he continually resisted the officers. As a result of Cedillo's continued resistance and actions, bodyweight was utilized to control Cedillo. The officers used the lowest level of force that they determined to be necessary and continuously assessed their actions in an attempt to safely control Cedillo. As Cedillo attempted to spin and flee from the officers, he was taken to the ground. As both Officers Richmond and Hunt and Cedillo were falling to the ground, the officers turned Cedillo away from the edge of the curb to prevent Cedillo from striking his head on it. Throughout the entire contact with Cedillo, Officers Richmond and Hunt attempted to de-escalate with Cedillo. Officers Richmond and Hunt continually assessed Cedillo's actions and did not resort to a greater application of force, such as kicks or strikes.

Upon the application of the HRD, officers continued to monitor Cedillo as he continued to resist. Officers Richmond and Hunt continued to use a minimal level of force to control Cedillo. Every

time Cedillo ceased his physical resistance to the officers, Officer Richmond and Hunt placed Cedillo in a lateral recumbent position and monitored his breathing while lying on the ground. When Cedillo was placed on the gurney officers monitored and confirmed that Cedillo was breathing.

Personnel from the LAFD assessed Cedillo's condition after their arrival. They provided timely medical treatment once Cedillo went into medical distress.

Time – Officers Richmond and Hunt were faced with seconds to react which limited their options when they first encountered Cedillo sitting in a driveway; however, when the officers believed Cedillo had possibly been struck by a vehicle they acted quickly to confirm Cedillo was not injured. Officers Richmond and Hunt demonstrated patience and took time to assess Cedillo's behavior in an attempt to deescalate their contact with him. The contact with Cedillo escalated due to Cedillo's sudden, unprovoked and agitated behavior as the officers made contact with Cedillo. Cedillo was not injured, but the officers opined he was possibly under the influence of narcotics or wanted to harm himself.

Redeployment and/or Containment – Officers Richmond and Hunt contacted Cedillo who was on the driveway of a gas station that was open for business and could be struck by a vehicle, as the officers initially believed Cedillo was. The officers relocated Cedillo to the front of their police vehicle, allowing a much safer environment for Cedillo. This location also allowed Officers Richmond and Hunt to conduct an investigation and was a better position to control and search Cedillo. In response to Cedillo's actions, Officer Richmond conducted a takedown on Cedillo. Officer Richmond was acutely aware of the curb where they stood and ensured that as he turned Cedillo for the takedown, Cedillo would land on a flat surface and not the curb edge. Officers remained in that area on the ground until the arrival of the LAFD RA. Cedillo was placed onto the gurney, affording the officers more control of Cedillo's movements.

Other Resources – Officer Hunt utilized his handheld radio to broadcast a request for an additional unit when Cedillo began to pull away. Officer Richmond requested for a backup once he took Cedillo to the ground. These broadcasts brought additional officers to the location who could assist in maintaining control of Cedillo. The HRD was later applied to Cedillo in an effort to better control him in order to provide medical assistance as a result of the officers' request for a RA to respond.

Lines of Communication – Officers Richmond and Hunt communicated their observations with each other prior to making contact with Cedillo. Officer Richmond communicated with Cedillo and asked for his information. When Cedillo refused to answer him, Officer Hunt attempted to obtain information and questioned Cedillo. Prior to moving Cedillo over to the police vehicle, the officers explained their intended actions to Cedillo and obtained his cooperation. Officer Richmond used clear communication to Cedillo, advising him of Officer Richmond's intent to conduct a pat down search for weapons prior to attempting to do so. Throughout the incident the officers continued to attempt to establish communications with Cedillo using clear and concise commands. The officers informed Sergeant Briscoe, along with the additional officers who responded to the incident, of their situation. Upon the arrival of LAFD personnel, the officers at the location communicated effectively with them to ensure Cedillo received timely medical treatment.

During the review of the incident, the following Tactical Debriefing Points were noted:

Debriefing Point No. 1 Hobble Restraint Device

Once the HRD is secured, officers shall immediately search the waistband area and then immediately place the individual in an upright, seated position or on his or her left side (left lateral recumbent position). If this is not possible due to medical or tactical issues, then placing the individual on his/her right side is an acceptable substitute (Los Angeles Police Department Use of Force – Tactics Directive No. 2.2, Hobble Restraint Device – November 2017).

After the HRD was applied, Officers Richmond and Hunt applied bodyweight to Cedillo while he was in a prone position on two occasions. Additionally, Officers Richmond and Hunt placed Cedillo in a right lateral recumbent position, instead of the left.

Officer Menasakanian released the end of the HRD strap after the first application of bodyweight.

In this case, during the First Application of Non-Lethal Force, Officers Richmond and Hunt maintained their bodyweight on Cedillo after the HRD was applied and while Cedillo remained in a prone position. According to Officers Richmond and Hunt, Cedillo had not yet been searched and his actions caused them to believe that he was possibly armed. The officers maintained their positions, controlling Cedillo until a cursory pat down search for weapons was completed. At the completion of the search, Cedillo was rolled into a right lateral recumbent position. According to Officers Richmond and Hunt, they were unable to place Cedillo on his left side due to his position on the ground and the slope of the driveway. The officers requested an RA to respond to the location and continuously monitored Cedillo's medical status until the arrival of the RA.

During the Second Application of Non-Lethal Force, Officers Richmond and Hunt maintained their bodyweight on Cedillo in the prone position as he continued to physically resist. Officers Richmond and Hunt were concerned for Cedillo's safety if they placed him in a seated position or attempted to control Cedillo while he was on his side due his continued physical resistance and their belief that he was under the influence of narcotics. Therefore, when the second application of bodyweight force was applied, Officers Richmond and Hunt placed Cedillo back into a prone position which had already been successfully utilized to overcome his physical resistance. This position allowed the officers to utilize a minimal amount of force and the officers believed it minimized the risk of injury to Cedillo. Officers Richmond and Hunt maintained control of Cedillo until LAFD personnel assisted them in placing Cedillo onto the gurney.

Additionally, after applying the HRD, Officer Menasakanian held onto the HRD strap for a portion of the incident and then let it go, dropping it onto the ground. To allow for an additional method of controlling Cedillo, I would have preferred that Officer Menasakanian maintained control of the HRD strap for the duration that it was applied.

Debriefing Point No. 2 Left Lateral Recumbent (Hobble Restraint Device Position)

Officers Richmond and Hunt placed Cedillo in a right lateral recumbent position, instead of the left when turned to the recovery position.

In this case, at the completion of the search, Cedillo was rolled into a right lateral recumbent position. According to Officers Richmond and Hunt, they were unable to place Cedillo on his left side due to his position on the ground and the slope of the driveway.

Sergeant Briscoe closely monitored and assessed the incident and Cedillo's behavior. Sergeant Briscoe ensured that Officer Richmond was actively monitoring Cedillo's condition on the ground. Sergeant Briscoe determined that it was tactically appropriate to leave Cedillo on his right lateral side. Sergeant Briscoe believed that by not moving Cedillo it would prevent him from becoming more agitated or possibly violent again.

The UOFRB discussed the decision to leave Cedillo on his right lateral recumbent position at length and the Departments tactical directive which does not prohibit such positioning, but does not fair it to be optimal. I would have preferred that the officers and Sergeant Briscoe ensured that Cedillo was placed in the left lateral recumbent position. However, the UOFRB opined, and I concur, that due to the slant of the driveway and Cedillo's actions, it was reasonable to leave him on his right lateral recumbent position. This will be included in the Tactical Debrief of the involved officers.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, the officers' actions were reasonable and justified. I will direct that this be a topic of discussion during the Tactical Debrief

Debriefing Point No. 3 Positional Asphyxia (Hobble Restraint Device)

In this case, Officers Richmond and Hunt placed Cedillo in a prone position in an attempt to control his violent behavior on two separate occasions after the application of the HRD.

Placement of an individual in the prone position introduces the concern for positional asphyxia and the need to actively monitor breathing and signs of medical distress. An officer is responsible for monitoring the individual's condition and shall request a rescue ambulance if the individual shows signs of medical distress, such as unconsciousness or has difficulty breathing. In this case, the RA request for Cedillo was not for difficulty breathing or unconsciousness, but for a facial laceration. Officers Richmond and Hunt actively monitored Cedillo for breathing throughout their application of force with him.

Sergeant Briscoe monitored and assessed the incident and Cedillo's behavior. Sergeant Briscoe ensured that Officer Richmond was actively monitoring Cedillo's condition while on the ground.

I noted that officers and supervisors were actively monitoring Cedillo and were acutely aware of his breathing while in the prone position. The autopsy report identified no findings that establish asphyxia. Despite Cedillo's active resistance, I would have preferred that the officers attempt to reposition Cedillo to a lateral recumbent position to minimize the possibility of positional asphyxia.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, the officers' actions were reasonable and justified. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Additional Unit/Supervisor Request –It would have been tactically advantageous to have requested a supervisor based on their initial observation of Cedillo's actions and the belief by the officers that Cedillo was possibly a danger to himself. I will direct that this be a topic of discussion during the Tactical Debrief.

COMMAND AND CONTROL

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments,

managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

In reviewing this incident, the UOFRB acknowledged the responding officers' and supervisors' overall effectiveness in response to Cedillo's actions.

Sergeant Briscoe arrived during the first application of non-lethal force and assumed the role of the incident commander. Sergeant Briscoe monitored Cedillo's medical condition and directed the officers to request for an RA to respond. Sergeant Briscoe gave clear and concise direction to the officers and exhibited a calm demeanor. Sergeant Briscoe minimized risk by controlling

the number of officers involved in the use of force. Sergeant Briscoe developed a plan to safely transfer Cedillo onto the LAFD gurney and assigned two officers, who were uninvolved in the use of force, to accompany Cedillo to the hospital. Upon becoming aware of the change in Cedillo's medical condition to that which indicated this incident may become a Categorical Use of Force incident, Sergeant Briscoe initiated post categorical use of force protocols. Sergeant Briscoe separated and monitored Officers Richmond and Hunt. Additionally, Sergeant Briscoe transported Officer Hunt to Van Nuys Community Police Station.

Sergeant Andreas responded to the back-up request and arrived after the first application of non-lethal force had occurred. Sergeant Andreas met with Sergeant Briscoe, who advised him that a non-categorical use of force had occurred. Sergeant Andreas remained at the scene to assist with administrative duties, which included canvassing for witnesses and locating video surveillance. Once the incident appeared to possibly be a Categorical Use of Force incident, Sergeant Andreas transported Officer Richmond to Van Nuys Community Police Station.

The actions of these supervisors were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined and I concur, that Sergeants Briscoe and Andreas, along with Officers Richmond, Hunt, Menasakanian and Sampson's tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I direct that Sergeants Briscoe and Andreas, along with Officers Richmond, Hunt, Menasakanian, and Sampson attend a Tactical Debrief and that the specific identified topics are discussed.¹³

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

¹³ Officer Sampson resigned as an employee of the Department for factors not associated with this incident.

General Training Update (GTU)

On April 23, 2019, Officers Richmond and Hunt attended a GTU. All mandatory topics were covered, including Reverence for Human Life and In Custody Deaths.

Use of Force – General

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Non-Lethal Use of Force

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

FIRST APPLICATION OF NON-LETHAL FORCE

Officer Richmond – Wristlock, Physical Force, Takedown and Bodyweight.

According to Officer Richmond, Cedillo became erratic and moved his body around. Cedillo pulled away from Officer Richmond. In order to gain greater control over Cedillo, Officer Richmond applied a wristlock to Cedillo's left wrist. Simultaneously, Officer Richmond used physical force and pressed Cedillo against the police vehicle, using it as a controlling agent. Cedillo then began kicking and attempted run away. Cedillo spun and Officer Richmond used the momentum to take Cedillo to the ground. Cedillo kicked and attempted to roll out of Officer Richmond's grasp. While on the ground, to overcome Cedillo's resistance and prevent his escape, Officer Richmond maintained his wristlock on Cedillo's left wrist and applied bodyweight with his chest against Cedillo's back.

Officer Richmond recalled,

He started to become even more erratic and began moving around quite a bit. And so my partner and I moved him closer to the vehicle in order to gain greater control over him. And at that point I advised him again I needed to check his pockets for any weapons, and he began -- pulled away -- moving his leg away from the direction where my hand was. My partner requested an additional unit due to his erratic behavior in order to again deescalate the situation. And at that point he continued to act erratic, so I placed him in a wrist lock. I placed his left wrist in a wrist lock in order to gain greater control over him. He -- I advised him again that I was going to have to pat him down. And as I went to reach -- to pat him down, he again pulled away, but at this point what you don't see on the camera is he begins kicking at us. Multiple times he's kicking back at us -- at me and my partner. And not only is he kicking, but he's trying to spin and run away. And so I -- as he spins, I used his momentum and took him to the ground. At that point as we were headed to the ground, I observed the edge of the curb and I didn't want -- due to him being handcuffed and unable to stop himself, I didn't want to take him down into the curb, and so I spun a little farther away from the edge of the curb in order to take him down on a flat surface. At that point he begins to writhe and kick, and I landed on his back. I believe I maintained the wrist lock at this

point. I placed my chest on his back in order to gain greater control of him. He still was trying to kick. My partner wrapped up his legs. And I requested a backup due to us not being able to do anything other than just maintain the position we had on the ground. I immediately put my radio away and resumed placing both hands on the suspect. While we were waiting for additional units to get there, he was writhing the entire time. My partner and I are both larger individuals. And he was moving both of us to the point where my partner had to roll up both of his legs and then I had to sprawl, so he wouldn't roll over. He was trying to roll out of our grasp the whole time.¹⁴

I was not only holding his wrist lock and his arm, I was also pressing him into our vehicle using it as a controlling agent.¹⁵

My right arm, I believe, maintained the wrist lock and so it was trapped under my chest, which was placed against his back. He was -- I know I got my radio out with my left hand and requested the backup and put my radio back. I don't remember where I put my left hand at that point. I believe I just put it on his back. But my chest -- again, I had my weight -- the majority of my weight distributed on his back with my chest. But because he was rolling and trying to again spin out of our grasp, I used like a sprawling technique. I spread my feet out in like a "V" and kept them out away from him, so that he wasn't able to roll away from us.¹⁶

Officer Hunt – Firm Grip, Physical Force and Bodyweight.

According to Officer Hunt, Officer Richmond attempted to search Cedillo for weapons, and Cedillo jerked around side to side. Officer Hunt held Cedillo's right bicep with his right hand and Cedillo's left forearm with his left hand. Cedillo pushed his weight back towards Officer Hunt and Officer Hunt used physical force to push Cedillo against the hood of the police vehicle. Cedillo started to kick his legs back at Officer Richmond and tried to run away. Officer Hunt released his firm grip on Cedillo's arm as Officer Richmond took him to the ground. Officer Hunt then wrapped both of his arms around Cedillo's legs and applied bodyweight with his chest to overcome his resistance. Additional units arrived and Officer Hunt raised Cedillo's legs while another officer applied the HRD. Cedillo continued to push up against Officers Richmond and Hunt. Officer Hunt then used his knees and applied bodyweight to the back of Cedillo's legs. Officer Hunt placed his right hand on Cedillo's ankles and his left hand on Cedillo's thighs.

Officer Hunt recalled,

And when Richmond went to pat down his left pocket, he started to jerk around side to side. And I was holding onto his right bicep with my right hand and his left forearm with my left hand to control him, because he was jerking around so much. And after he patted him down,

¹⁴ Officer Richmond, First Interview, Page 10, lines 13-25, Page 11, lines 1-25 and Page 12, lines 1-6.

¹⁵ Officer Richmond, First Interview, Page 26, lines 11-14.

¹⁶ Officer Richmond, First Interview, Page 30, lines 2-15.

we asked what was in his pockets and he said, "I don't have nothing in my pockets." And either way, we needed to make sure there weren't any weapons in there or other contraband for our safety. So I continued holding him. And then he tried leaning backwards on us, and so we both pushed him forward to the hood of the car. I then requested for an additional unit over the radio.¹⁷

So then Richmond went to pat him down again on his left pocket, and then he just -- he started to kick his legs back. He didn't make contact with me that I remember, but I thought he was making -- he was kicking my partner. Then he appeared to possibly try to -- he made a movement to the left side of us as though -- I thought he was trying to run away. And Richmond immediately pushed him forward and down to the ground, so he was laying [sic] face down on the ground. And I went to grab his legs. I put my -- I wrapped both my arms around his legs, placing my right arm under and my left arm under as well. And my chest was on top of the back of his legs while he was there.¹⁸

Officer Menasakanian grabbed his hobble. And while I was holding the legs, I just lifted them up. He put the -- wrapped the hobble around it and strapped it down. Once he did that, I changed my position to putting my knees on the back of his legs and my right hand on

his ankles and my left hand on his thighs where I felt like I had better control of his legs, because he was still trying to push up to try to get us off of him. And even though I'm over 200 pounds and he was a smaller individual, he was still able to basically lift me up a little bit.¹⁹

SECOND APPLICATION OF NON-LETHAL FORCE

Officer Richmond – Bodyweight.

According to Officer Richmond, Cedillo awoke agitated and started jerking around upon contact with LAFD personnel as they attempted to gain information from him. Officers Hunt and Richmond rolled Cedillo onto his stomach. Officer Richmond applied bodyweight to Cedillo's back utilizing his knees. Cedillo continued to rock, and push his body up which resulted in moving both Officers Richmond and Hunt up and down. When Cedillo stopped resisting, Officers Richmond and Hunt, with the help of the LAFD personnel, placed Cedillo onto the gurney.

Officer Richmond recalled,

When the rescue ambulance arrived, the EMT immediately woke him -- awoke him -- woke the suspect and he immediately started actively kicking and moving both my partner and I again. I rolled him back to his stomach and placed both my knees on his back and again verbalized for him to stop resisting. My partner and I -- my partner placed his knees on his

¹⁷ Officer Hunt, First Interview, Page 10, lines 11-23.

¹⁸ Officer Hunt, First Interview, Page 11, lines 8-21.

¹⁹ Officer Hunt, First Interview, Page 12, lines 10-21

legs, and he was again moving both of us throughout this whole time. I continued to verbalize until he stopped resisting. And when he stopped resisting, they had the gurney behind us, and we immediately placed him on the gurney and handcuffed him to -- both hands to the sides of the gurney.²⁰

He was -- I placed basically my shins on his back area. My right shin was on his upper back. My left shin was on his lower back. And as he -- he was rocking, my toes went from the ground to raise, from the ground to raise. And, again, that was evidence to how much he was moving us, because I was laying the majority of my weight onto him and he was still moving me to completely be in the air back down to where my toes were touching the ground.²¹

Officer Hunt – Bodyweight.

According Officer Hunt, the RA arrived and LAFD personnel spoke with Cedillo. Cedillo became agitated and started jerking around. Officers Hunt and Richmond placed Cedillo onto his stomach. To prevent Cedillo from harming LAFD personnel, Officer Hunt applied body

weight utilizing his knees to the back of Cedillo's legs. Cedillo pushed up and lifted Officer Hunt off of the ground.

Officer Hunt recalled,

And once the RA showed up, they tried talking to him. And somehow he -- it maybe -- it woke him up and he got agitated again and started jerking around like he was before. So we put him back on his stomach. And I took the position I was in before, having my knees on the back of his legs and I was holding his ankles down with my right hand and my left hand was on his thigh, because -- And, again, he was pushing up, trying to get me off of him. And I was holding him down trying to maintain control, so that the RA would be able to -- we have enough control to get him onto the gurney and to keep FD safe while they were there.²²

Even though his legs were hobbled, he was still -- he was on his stomach and able to bend his knees back -- his legs back towards his back. And in doing so, he was pushing me up. And I had to -- to prevent -- just so I could gain control of him, I was pushing his legs down because he was lifting me off the ground.²³

The UOFRB closely examined both applications of non-lethal force and the total duration of time bodyweight was applied in each instance. The UOFRB noted that although Cedillo was smaller in stature than Officers Richmond and Hunt, Cedillo's level of physical resistance and demonstrated strength was so great that he was able to move his body even as the officers attempted to restrain him. The UOFRB also noted that throughout the incident both Officers

²⁰ Officer Richmond, First Interview, Page 13, line 25 and Page 14, lines 1-12.

²¹ Officer Richmond, First Interview, Page 51, lines 11-20.

²² Officer Hunt, First Interview, Page 13, lines 19-25 and Page 14, lines 1-6.

²³ Officer Hunt, First Interview, Page 26, 18-24.

Richmond and Hunt remained calm and exhibited great patience and concern for Cedillo's well-being and safety. Throughout the incident, the officers repeatedly verbalized with Cedillo and attempted to de-escalate the situation. The officers utilized the minimal level of force to protect themselves and LAFD personnel from Cedillo and to prevent his escape by using several different techniques of physical force. The officers demonstrated restraint and did not utilize less-lethal force options even though Cedillo physically resisted them.

I have noted, the autopsy report ascribed the cause of Cedillo's death six days after the incident to anoxic encephalopathy, due to cardiopulmonary arrest from the effects of methamphetamine. During the autopsy, no fatal traumatic injuries or findings that established asphyxia were identified. Determination of the amount of force used by the officers and the physical effects of the restraint could not be established at autopsy resulting in Cedillo's death being listed as undetermined.

The UOFRB reviewed the BWV of the officers during the application of bodyweight force. The BWV depicted Cedillo actively resisting and yelling during both applications. Officers also ensured Cedillo was breathing after each application of force as he was placed in the right lateral recovery position²⁴. However, when officers placed Cedillo in the recovery position I would have preferred that Cedillo was placed in the left lateral recovery position as this is the recommended placement delineated and discussed in the Department, Hobble Restraint Device training bulletin.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Richmond and Hunt while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Cedillo's resistance.

Therefore, I find Officers Richmond and Hunt's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Additional/Equipment

Body Worn Video (BWV)/Digital In-Car Video System (DICVS) Activation – The investigation revealed that Officers Richmond and Hunt did not activate their DICVS prior to conducting their pedestrian stop on Cedillo.

Officer K. Stepan, Serial No 36697, Van Nuys Patrol Division, did not activate his BWV during his response to the location of the backup request.

Sergeant Briscoe manually powered-off off his BWV while in the field while speaking with Sergeant Andreas. As a result, his next BWV recording had a short buffering time of approximately four seconds.

²⁴ Intradepartmental Correspondence, Page 5, Officers Richmond and Hunt *rolled Cedillo onto his side into a recovery position*. Officer Richmond then *immediately verified that Cedillo was breathing*.

Sergeant Andreas located the BWV devices that had fallen off of Officers Richmond and Hunt and placed the BWV devices on the hood of the police vehicle instead of giving the BWV devices back to Officers Richmond and Hunt to remount onto their uniforms.

Captain Chandler was notified of the aforementioned issues. Captain Chandler conducted an audit and analysis of BWV and DICVS usage by all of the involved personnel and determined that there were no personnel who had any similar previous incidents. Captain Chandler addressed the issues with Sergeants Andreas and Briscoe, along with Officers Richmond, Hunt, and Stepan, with divisional counseling which was entered into the Learning Management System (LMS) and with the generation of a Supervisory Action Items (SAI). The Commanding Officer of Operations -Valley Bureau (OVB) and the Director of the Office of Operations (OO) concurred with the above actions. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System/Body Worn Video – Van Nuys Patrol Division officers were equipped with BWV at the time of the incident. Officers Richmond and Hunt's BWVs captured the initial contact with Cedillo and a portion of the non-lethal use of force. However, during the application of non-lethal use of force by Officers Richmond and Hunt, both of their BWV devices were dislodged from their uniforms. The additional responding sergeants, along with the an Nuys Patrol Division officers, activated their BWVs in response to this incident. Their individual BWVs captured portions of the non-lethal use of force.

Outside Video – Surveillance video obtained from the 76 Gas Station captured Cedillo's actions and behavior prior to the arrival of Officers Richmond and Hunt. Additionally, the video captured portions of the non-lethal use of force.

Respectfully,


MICHEL R. MOORE
Chief of Police

Date: 3-5-20